



Resolution

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December 2023
FOI_6318

The following information was requested on 7 December 2023:

Can you please confirm the number of negligence claims that have been made and settled to NHS Resolutions involving maternity patients arising from care at Leeds Teaching Hospitals NHS Trust for the past 5 years.

Our Response

Please find attached the requested information. We are able to provide the information in complete financial years.

Please note: We have recently changed the way we report on our FOIs to align better with our published documents. Streamlining our reporting on FOIs with our annual published reports may mean a variation in snapshot dates. This means this data may not align with previous similar requests and it may not be possible for you to compare this information with a previous request. For further information, please refer to <https://resolution.nhs.uk/resources/understanding-nhs-resolution-data>.

Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle and close. They are not guaranteed to be settled and closed in the same year. As such, there will be a time gap between incident and claim closure.

Due to the way in which data is extracted, it is also possible that the same claim may appear more than once in a dataset, across different year groups e.g. where the case has been closed (as with nil damages paid), challenged, reopened, and closed again at conclusion.

Please also note that the data shows variation in the number of claims received, and the number closed. This is a reflection of the nature of individual claims received by NHS Resolution, which can vary significantly. As such, year on year fluctuations cannot necessarily be interpreted as trends. In addition, the introduction of the Early Notification Scheme in 2017 for obstetric cerebral palsy has meant that incidents which are likely to result in a claim are reported more quickly to NHS Resolution than

previously. As such any perceived increase in reported numbers after 2017 may be an acceleration in the reporting of these matters which we can expect to balance out in later years.

The claims associated with incidents arising in maternity services tragically often represent severe harm resulting in life-long consequences and complex needs for those affected. A continued focus on safety in maternity services is therefore critical in order to prevent future harm and to avoid unnecessary compensation costs which could otherwise be spent on improving healthcare. The Maternity Incentive Scheme is system-led and designed to support those actions which are collectively agreed by the arm's length bodies, royal colleges and others as being essential to safer care. The scheme has raised the profile of maternity safety at Board level and is kept under constant review to ensure that the actions remain current and achievable for providers of maternity care.

Table 1 shows: - Number of Clinical Claims and/or Incidents received between financial years 2018/19 and 2022/23 where the Specialty is '**Obstetrics**', and where the Trust is Leeds Teaching Hospitals NHS Trust.

Table 2 shows: - Number of Clinical Claims Closed (or Settled as a PPO) between financial years 2018/19 and 2022/23 with damages paid where the Specialty is '**Obstetrics**', and where the Trust is Leeds Teaching Hospitals NHS Trust.

Table 3 shows: - Number of Clinical Claims Closed between financial years 2018/19 and 2022/23 with **NIL** damages paid, where the Specialty is '**Obstetrics**', and where the Trust is Leeds Teaching Hospitals NHS Trust.

PPOs

PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments (PPO damages) related to the injured party's ongoing needs, usually care for life i.e., a percentage of the full value of the claim is paid at the point of settlement (lump sum damages) with the balance paid at regular intervals over subsequent years.

Further to our obligations to provide advice and assistance, you may find it helpful to review the work of the [Getting It Right First Time team](#) with whom NHS Resolution has been working with to undertake in-depth analysis of our claims data. They have produced a number of [reports](#) from analysing our claims data, which has been shared following approval of the confidentiality advisory group to the use of confidential patient information for this purpose.

Please refer to [Understanding NHS Resolution data](#) guidance for further details on how our Claims database is categorised.

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Tinku Mitra](#), Deputy Director of Corporate and Information Governance, Data Protection Officer for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/>

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NB: Number of claims fewer than 5 (and any associated values, within the same row) are masked with a "#" (in accordance with Data Protection guidelines). Accordingly, some total values may also be approximated to prevent masked values to be deduced through reverse calculation.

Table 1: Number of Clinical Claims and/or Incidents received between financial years '2018/19' and '2022/23' where the Specialty is 'Obstetrics', and where the Trust is Leeds Teaching Hospitals NHS Trust.

Table 2: Number of Clinical Claims Closed (or Settled as a PPO) between financial years 2018/19 and 2022/23 with damages paid where the Specialty is 'Obstetrics', and where the Trust is Leeds Teaching Hospitals NHS Trust.

Table 3: Number of Clinical Claims Closed between financial years 2018/19 and 2022/23 with NIL damages paid, where the Specialty is 'Obstetrics', and where the Trust is Leeds Teaching Hospitals NHS Trust.

Table 1: Number of Clinical Claims and/or Incidents received between financial years '2018/19' and '2022/23' where the Specialty is 'Obstetrics', and where the Trust is Leeds Teaching Hospitals NHS Trust.

FOI View scheme	Notified (All)
Year of Notification	No. of Claims
2018/19	16
2019/20	28
2020/21	24
2021/22	19
2022/23	19
Grand Total	106

Table 2: Number of Clinical Claims Closed (or Settled as a PPO) between financial years 2018/19 and 2022/23 with damages paid where the Specialty is 'Obstetrics', and where the Trust is Leeds Teaching Hospitals NHS Trust.

FOI View scheme	Closed Settled CNST
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Year of Closure (Settlement Year for PPOs)	No. of Claims
2018/19	9
2019/20	14
2020/21	8
2021/22	12
2022/23	11
Grand Total	54

Table 3: Number of Clinical Claims Closed between financial years 2018/19 and 2022/23 with NIL damages paid, where the Specialty is 'Obstetrics', and where the Trust is Leeds Teaching Hospitals NHS Trust.

FOI View scheme	Closed Settled CNST
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Year of Closure	No. of Claims
2018/19	12
2019/20	10
2020/21	5
2021/22	13
2022/23	10
Grand Total	50